

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

December 13, 2016

Present: Commissioner Mark Woolley, Commissioner Sean D. Morrissey, Commissioner Julie Holbrook, Commissioner Brady Quinn, Commissioner T. Earl Jolley, Commissioner John Ellis, City Planner Greg Schindler, Planner Brad Sanderson, Planner David Mann, Assistant City Engineer Shane Greenwood, Staff Attorney Steven Schaefermeyer, Deputy Recorder Cindy Valdez

Absent: Commissioner Julie Holbrook

Others: See Attachment A

6:30 P.M.
REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Mark Woolley welcomed everyone and noted Commissioner Holbrook will be absent from tonight's meeting and all the other Commissioners are present.

B. Motion to Approve Agenda

Chairman Woolley said I would like to propose that we move Item F.1 to the end of the Administrative Action items.

Commissioner Jolley made a motion to approve the December 13, 2016 Planning Commission agenda with changes (moving Item F.1 to the end of the Administrative Action items). Commissioner Ellis seconded the motion. Vote was unanimous in favor; Commissioner Holbrook was absent from the vote.

C. Approval of the Minutes from the Meeting held on November 22, 2016

Commissioner Quinn motioned to approve the November 22, 2016 Planning Commission meeting minutes as printed. Commissioner Ellis seconded the motion. Vote was unanimous in favor; Commissioner Holbrook was absent from the vote.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

City Planner Schindler said I just wanted to make you aware that on the Action Item D.1 we would like to request that you take (3) separate motions on this item.

Chairman Woolley said have we heard back from CM Whatcott, or Mayor Alvord with a scheduled date to have the next combined Study Session with City Council and the Planning Commission?

City Planner Greg Schindler said I have not heard anything.

Chairman Woolley said I will follow up with Mayor Alvord and City Manager Gary Whatcott.

B. Comments from Planning Commission Members

None

III. CITIZEN COMMENT

Chairman Mark Woolley opened meeting for Citizen Comments.

Douglas Dalton 11173 S. Dalton Farm Cove South Jordan, Utah 84095 – said we are attempting to get a 2 lot subdivision approved for the cul-de-sac.

Chairman Woolley said you are already on the Agenda for a Public Hearing, so if you could keep your comment until then we will address it at that time.

Donna Jacobs, 4529 W. Milford Drive South Jordan, Utah 84095 – said I am confused about the procedure, I am here for the Daybreak Village Item and I see it is on the Agenda, but I don't know when to speak.

Chairman Woolley said it is the first item on the Agenda, so when we open the Public Hearing you will speak at that time.

IV. SUMMARY ACTION

**A.1 Issue: DAYBREAK VILLAGE 4 EAST MULTIFAMILY #1
PRELIMINARY PLAT**

Address: 4600 West Serendipity Way

File No: SUB-2016.86

Applicant: Daybreak Communities

Planner Greg Schindler reviewed background information on this item.

Gary Langston, 4700 Daybreak Parkway South Jordan, Utah 84095- said I will add a little information to add some context to what we are proposing. There will be two areas in general, the existing condos along Cross Water, and also the existing condos up on North West portion off of Boat House Circle. The property that is in question we have always planned to build it with condos. Destination Homes is under contract to purchase what were originally 71 condos in these two areas, and in the last several months as we have tried to build these there have been complications with FHA Financing. The builder has come to us and asked us if they can continue to build condos along the water and convert the remaining areas to townhomes, which are a little easier to sell from a financing standpoint. The unit count has gone up slightly and that will take them from 71 to 75 units, so that in essence is what we are proposing to do.

Chairman Woolley opened the Public Hearing to comments.

Lisa Radke, 10638 S. Serendipity Way South Jordan, Utah 84095 – said I am a fulltime realtor with Remax in South Jordan, and pretty much all of Lake Village does not want this because we understood when we spent a premium for Lake Village that there would be condo buildings as there are right now on this vacant land, not a bunch of townhomes. The street parking and the garbage pickup is going to be a nightmare on that street. The values of our homes are not going to increase as quickly as we thought, or even hold their value. It looks like you are putting in an apartment community, and we put a lot of money into Lake Village with higher end architecture. We have worked really hard to get to this part of Daybreak and we do not want to have townhomes there, not that many, so we would like to ask you to please reconsider.

Greg Anthony, 4556 Milford Drive South Jordan, Utah 84095 – said I have some of the same concerns as Ms. Radke. We moved in here a year and a half ago and it was zoned residential, but something of this magnitude was never expected, we thought they would put in something similar to the existing condos, very nice higher end condos. I have 4 children and right now we are on the road there, but you are only allowed to have a 3ft. picket fence, and with the amount of traffic that this is going to add it really is a concern for me, as well as the neighbors that could not be here tonight to express that. In my heart of hearts, I would like to have a big park there, but I know that is not going to happen. I would like to ask you to lessen the amount of units that you are putting in; it is so dense. I don't know where the parking, trash, and traffic is going to happen, but I would like to ask you to reconsider this.

Jack Jensen, 10624 S. Serendipity Way South Jordan, Utah 84095 – said we paid a high premium to move into this area, and when we looked at the plat area they showed the condos, but you really didn't realize how many units was going in there, it really didn't look like that. We were told what was going in there was high end condos. I know more people are going to move in, but we paid a high premium to live in that area and now it just seems like everything has changed on us and this is not what we bought into when we moved to this area. Please reconsider the amount of people that are going to be in that small area.

Anadine Burrell, 10602 S. Paddleboat Lane South Jordan, Utah 84095 – said one of the biggest concern I have is the parking that will happen on the street. If you were to go anywhere in Daybreak where they have townhomes you will find that there is street parking day and night, and it only becomes denser when people are at home. If you were to look at the map our home is only accessible off of Serendipity Way, so because we have one of the alley-ways that doesn't go all the way through, I have only one way to get to my house. I think that if there is going to be parking on both sides of the street, which there will be if you have that many units, it will be very dangerous because people drive too fast, and people will be parked very close to the crosswalks and you will not be able to see the pedestrians, or little children. I lived in the South Station neighborhood before we moved over to Lake Village and there is an incredible amount of street parking even with the garages they still park on the street, they just do, and you are going to try and add all of these units with no guest parking for the people that are living there. The trash is also an issue with the narrower streets because we have to put our trash cans on the street, so how are we going to get out of our driveways. We were also told that the look of the condos would not change and the new ones would look much the same, they are very strict about how this area looks, so to add these townhomes and really small units, it just doesn't go with the aesthetics of our neighborhood. I think if this were to go in it would be a big bait and switch.

Donna Jacobs, 4529 W. Milford Drive South Jordan, Utah 84095 - said one of the biggest disappointments for me is that Daybreak is not a walkable community. If you want to use trails, that is fine, but to walk a mile and a half from my house down to the University of Utah complex you will take your life into your own hands. What concerns me the most is that Daybreak is supposed to be a walkable community for people with children. I don't live in Garden Park with the older folks, I like living in a neighborhood, I like living around children, but I think it is hazardous and a great big danger for these kids that walk to and from school. This is supposed to be a neighborhood, a community, and we have a lot of townhomes on South Jordan Parkway, and

off of Milford Drive. I think if we care about children we have to care about traffic, parking, and how that affects the children, I would just like to see more safety and less density.

Court Schaefer, 4682 Serendipity Way South Jordan, Utah 84095 – said when I bought my home there were very few homes in the area, and at that time I was given an explanation of what was anticipated to go in there. I was happy to be in the area that I was in it is kind of an upscale area, although my home is not in the million-dollar range I have neighbors whose homes are, and I think what you are putting in this area is very different than what was told to me. The condos that are behind me were not there, but it was my understanding that they would be more along the water, and that they would be more single family homes. I have to agree with the comment about bait and switch, that would be exactly what this is. I also understood that there was going to be greenspace that was going to go all the way down to the water and it doesn't look like that is on the plan to do at this point. I also have concerns that on the plans there is nothing that shows the height of these buildings that are going in, that would be a question I would like answered. The parking is also an issue as well as the traffic.

Christopher Preston, 10717 S. Oquirrh Lake Road South Jordan, Utah 84095 – said I know this is all about money and that is why they want the houses in there. We used to have greenspace, but we got our only park taken away and now it is buildings, so I don't know where the greenspace is supposed to be. Let's talk about the logistics of the traffic, it is a nightmare here and as a Law Enforcement Officer it drives me crazy. Most people just speed down the street, we almost got blindsided in a round-about from a plumbing truck, the cars on this road drive way too fast, I can't even let my 6-year-old play in our own front yard because of this. I don't know if you have had the privilege of driving west, or even east on 10600, or 11400 S at 5:00 p.m., but you will spend about a ½ hour from Walmart to Bangerter trying to get up to the neighborhood. I am sure the money is great, but we need to think about the cars in this area. I don't understand this stuff about FHA loans, I have an FHA loan and I am in a condo. I would like you to think about the traffic, trash, and not just the money and reconsider this.

Karen Preston, 4541 Milford Drive South Jordan, Utah 84095 – said I really don't have a huge problem with what you are putting there, other than I think you are putting too much. Can I ask if any of you Commissioners live in Daybreak (one Commissioner does), so there is only one of you that is negotiating the roads up here, have you heard the stories about the fire trucks trying to make a turn-around up here in the subdivisions, it is not possible. You cannot make a turn anywhere in Daybreak if there are cars parked on the side streets, and there are always cars parked there. The other concern I have is that you are voting on something tonight that you do not have enough information on. You don't know the elevation of what they are putting in, which is kind of an annoyance to me. You don't know what is going in on the north 5 acres, do they just get a free "whatever" if this passes tonight? These are the concerns that I have.

Robin Sahleen, 4654 Bywater Lane South Jordan, Utah 84095 – said we had previously lived on Top View near East Lake Elementary and it is one of the widest roads in Daybreak, it has townhomes all on the one side and of course people park on that street. We knew that about that area so we saved our money and we paid a premium to live in this area. We were told that there was going to be narrow roads, but there would not be high density. On garbage day if you were to go over there and see all of the garbage cans, I would like to know where all of the new cans are going to go, because if there is a car on the street you almost can't pass through on Serendipity to get through to our alley.

Travis Baker, 10766 S. Ozarks Drive South Jordan, Utah 84095 – said my wife and I live in front of the elementary school right next to a ton of townhomes, because of that we never have parking in front of our home. We are moving, we are under contract to buy the lot on the corner of Cross Water Road and Wistful Way. I was excited that the condos across the street from us have a lot larger driveways. It seems that because they paid a lot more for their property that they will use their driveway for their cars, and most of them do not

have their cars parked out at night. We feel like this is a big motivation to move off of Ozarks Drive. The reason we are paying the premium to come to Lake Village is because the current townhomes are a much higher quality and potentially have more parking spaces available not only inside the garage, but behind the garage. It does feel like one-way traffic in Lake Village because the streets are not as wide, so that does add to the traffic issue that is already there.

Ben Burell, 10602 S. Paddle Boat Lane South Jordan, Utah 84095 – said we live a couple of houses in from Serendipity, and we face a greenway. We have 4 kids and they run all over the place, so I have a concern about having 41 units worth of traffic riding back and forth across serendipity when my 4-year-old is going over to play across the street, and right now that street is so narrow you cannot fit 2-way traffic and park on it at all. I just don't think they have thought through the logistics of how this is going to work with that many units on that congested of a road, that road is not big enough to service another 41 units. The other concern that we have is the greenway that goes in front of our house, we traded that for a street because we understood that was going to connect to the lake, now it looks like that has changed, and that is upsetting to me because that is a conduit for my kids to go back and forth and have safe travel across the street. If that is taken away that means they will be wondering around and apartment complex, and that doesn't seem like a good idea. I would like to know where the parking is, I don't know how this is supposed to work without a parking lot.

Chandler Hancock, 10610 Wistful Way South Jordan, Utah 84095 – said as everyone has already said there is just not enough parking. I moved from a townhome into Lake Village and the townhome community I lived in had overflow parking, and that overflow parking was always full. I understand that they have garages in Lake Village, but there are lots of people that use their garage as storage, so when people have guests over there is nowhere to park. I also have 4 children and on garbage day there is not a whole lot of room for traffic to go back and forth, you have to wait because there is not room for both cars. If you look at the townhomes on Oquirrh Drive they have a much wider road and a curb that goes in and out and allows for people to park in those spaces. I purposely do not go on Oquirrh because there are so many people parked there. Serendipity is not adequate to have parking there consistently. We pay a higher HOA than anybody else in Daybreak and we don't even have a park in Lake Village, we do have access to the lake but if the greenspace is going to be taken away we will have to walk all the way around to where the boat house is. The other issue is that Lake Village had a quiet feel to it and that is what the residents bought into, and now you are adding all these homes and no new amenities, you are actually removing them. I don't think this is adequate and I don't think it was planned well.

LaRae Schaefer, 4557 Milford Drive South Jordan, Utah 84095 – said I am standing in for my husband that is in Oklahoma right now. I am right on the corner of Serendipity and Milford Drive and so we get all of the Oquirrh traffic, as well as the Serendipity traffic. We happen to have one of those short garages with a short driveway and we happen to have 3 cars in our driveway. With the townhomes we get a lot of the traffic that park on our side yard, and they actually walk through our yard. I am worried about these additional units coming in because there is no parking, and it is dangerous. My dog doesn't even want to go outside anymore. I don't have small children, but I do have small grandchildren and they don't even want to play in the yard because of the traffic. At night when I am in bed and can't sleep I can hear the cars racing up and down Oquirrh Lane. I have had the ambulance at my house before for various reasons and it is a nightmare trying to get the ambulance to turn around, so I would like you to please reconsider.

Matt Collier, 4442 W Serendipity Way South Jordan, Utah 84095 – said I think we all did our very careful due diligence before purchasing our properties in Lake Village, and I do understand that we did sign documents that states: "it is subject to some change," but the change should be in reason, this is a complete departure from the look and feel that me and my neighbors bought into in Lake Village. There has been a lot of information about parking and garbage cans, but for me the amount I spent on a lot premium this is a big departure. This is not only a concern for me in this area, but also for the future of what is going in at

Daybreak. I think we should stay true to what Daybreak is. When you vote tonight on this, please consider what we bought into at Lake Village.

Sandy Losey, 4639 Atwater Lane South Jordan, Utah 84095 – said this is heartbreaking to me, we have lived there 2 months and have spent the last year preparing, and planning, as many of the other people have also done. We thought we were buying into a place that was going to be quiet and we could enjoy our retirement. The parking is a big problem and someone is going to get killed, a dog, a child, or something. We have spent so much effort to be in this area, find the place, build it, and now to have this hiccup at this point is very disheartening.

Jennifer Cline, 10608 Paddleboat Lane South Jordan, Utah 84095 – said I am a real estate agent and my concern is the Destination Model agent pitching 95 units for this area. If the garbage cans are a concern, there will be 80 garbage cans on Serendipity Way, if any of you golf that is a soft 9 iron. That is a fire hazard, there is no way a fire truck could get in there if there was a fire. I would like you to consider that, as well as the residents that have invested well over a million dollars for those lots and homes.

Tracy Holyoak, 4662 W. Serendipity Way South Jordan, Utah 84095 – said I just feel that the density is too much for the neighborhood. The parking and the width of the road are a concern, and certainly it is not what we thought was going to go in there. I had in my head that it was going to be a 3-unit multi-family complex, and this certainly is not a 3 unit building that is going to be going in there. There is a flyer that says it will be “an exclusive lake side location” I don’t think this is exclusive. I am just blown away by this, and that is all I have to say.

Chairman Woolley closed the Public Hearing.

Gary Langston, 4700 Daybreak Parkway South Jordan, Utah 84095 – said let’s start by talking about the product types and the building heights. These were generally intended to be 2 or 3 stories in height, so they are going to be similar to the product that is already there. The other thing to consider is the elevation from Serendipity down to Waters Edge Drive drops about 10 feet, so our goal would be that any units adjacent to Serendipity would be no more than 2 stories, but as we move to the north we could have units that are 3 stories. Regarding the general look and feel of Lake Village, we as Daybreak designed this to be a premium location, and so the intent is not to destroy that, whether they are condos or townhomes they will still have the general look and design requirement. Some of the condo units are 1, 2, and 3 stack flats, and the townhomes will be on a similar scale. They will be 2, 3, and 4plex’s, with a similar footprint as the condo buildings. In terms to the concern with the garbage, if you notice the 2 lanes that are like cul-de-sacs they circle back to themselves, and the intent is that the cans remain in that area and not come out to Serendipity, and the units that front on to Serendipity will have a few cans that will need to be put out there. In the private lanes there are also a handful of parking spaces, I think there is about 8, so that will provide additional parking for guests or anyone there during the day. Along Serendipity we will be adding a couple of drive approaches, that road is a typical Daybreak road, I believe it is 31 feet face to face. If the cars are on both sides of the street it gets a little narrow, but it was done that way on purpose, it is similar to the other roads in Daybreak, the Oquirrh Lake road is wider it is a collector road. We have concerns with the speed on that road and it has been discussed with the developer and the City to have enforcement. I think in regards to the comment that this inconsistent with the Daybreak feel, we will agree to disagree on this. We feel that this is very consistent with the Daybreak plan, and much of what makes Daybreak successful is, we are using acreage efficiently, density is important to us it is what makes Daybreak function correctly. Those are some of the comments from the notes I took. If there is something I missed I would be happy to answer them.

Commissioner Jolley said could you talk to the size of the adjacent lots to the east, west, and south?

Mr. Langston said to the east there is a combination of townhomes and the lot size is in the 60ft range, the homes to the south, as I recall range from 40 to 70ft, and all of these lots are lane loaded, and to the west there are condos on Boat House Circle and most of these condo front the water. I would like to add that the mix of density types has had no impact on valuation of the homes. I have a home in Daybreak and one of the things I love about how we have chosen to run our association is that we properly fund the reserves, we really run our fees like a condo, the fees are not cheap, but you get a much higher level of service, and we have the funds to maintain the buildings with integrity in the future.

Commissioner Quinn said can you remind me what the parking is with the condos?

Mr. Langston said both the condos and townhomes have garage parking.

Commissioner Ellis said what was your aspiration to have the garbage cans on the 20 ft. wide drives? I just don't see that working.

Mr. Langston said I think most of the cans will be there, but not all of them, some of them will come out on Serendipity, that's where in this case we will work with the builder destination and have them build a trash can plan.

Commissioner Ellis said have you talked with the waste removal company about this?

Mr. Langston said not yet, it is the City service so there shouldn't be a problem.

Commissioner Ellis said what is the reason you are not continuing on with the style of condos to the west?

Mr. Langston said it has to do with the fact that within each building only a third of the units can have FHA financing per the Federal Government. If it is a 3 unit building and 2 people want FHA financing only 1 can have it, so there has been a problem finding financing for all of their buyers when there is such a restriction on FHA financing. What we would like to do is continue to build the condos by the water and the rest townhomes, because with the town homes it gives the builder better flexibility.

Commissioner Jolley said on the lots 209-218 why not make these condos because they are lake-frontage.

Mr. Langston said I am only guessing, but I would think that it has to do with the absorption of the project and the townhomes will absorb a little quicker than the condos because of the price point.

Commissioner Jolley said do you expect these to be high premium townhomes?

Mr. Langston said yes.

Commissioner Morrissey said a lot of the community has talked about bait and switch, and it seems to be a commonality when we have these kinds of discussion with Daybreak regarding planned townhomes and condominiums, could you address their concerns?

Mr. Langston said we as Daybreak from a marketing standpoint work very hard with the sales agents, and the builders to have them share a message that is consistent with what we would want them to share, and that could include a lot of different things. On the peninsula we know we have some challenges and we share that message with several different builders, who shares it with several different agents. What we have found is that sometimes people are told things that are incorrect and we try to correct those messages as often as we are aware of them. In the case where we are the developer and we are selling lots to a home builder and the

home buyer is their customer, we are once removed if you will, from that message, but we do work hard to try and control that those messages are accurate. We wish this didn't occur, but it does from time to time, that is why we have information and sales centers in Daybreak, so we can continue to stay involved.

Commissioner Ellis said I don't like this because it isn't quite what was represented. If I look at the condo units to the west there is plenty of parking outside of those units, and not on the street. This is going to drive parking to the streets. I think the trash cans are going to be another big issue too, because they are not going to fit in that lane. I just don't think it is going to look or feel like what was expected.

Commissioner Quinn said I have a little different approach and it may not be very popular. I do feel that what Daybreak Community is putting in is very similar to what they have proposed in first place. It is attached housing, high density, and parking would still be an issue if it was condos instead of townhomes. The trash situation might be a little different with homes than it would be with condos. I feel like the aesthetics with the townhomes will actually be higher quality than it would be with a condominium complex. I think this is our typical Daybreak neighborhood. The roads are narrow, and this is high density housing with the mixed use zone. I do think it is disappointing that some individuals portrayed that there was going to be single family housing in this area. I am in defense of Daybreak communities because I think their plan from the beginning was to have high density attached housing in this area. I personally would prefer townhomes over condos in this area myself.

Commissioner Jolley said I would have to agree, I don't see a big difference in the condos and townhomes, and they are following all of the proper zoning, and the proper masterplan that is required.

Commissioner Quinn said because it is townhomes instead of condos the individual property owners are now land owners in addition to just unit owners, so the value of those units will increase, rather than decrease.

Chairman Woolley said when I look at this and the overall masterplan this is what I would have expected. I know that it is high density, but it is less than what was approved. I know at times we feel like our hands are tied because there is already a master plan in place. Daybreak has done so many things very well, but in my opinion I would reduce the density a little bit, and specifically listen to the concerns of the residents. I do have a major concern with the parking, so I hope they will also look at that and modify it accordingly. I have to agree with Commissioner Ellis, I think the trash cans are going to be an issue and it is going to be a bigger issue in the winter time than it is in the summer time, so they will have to work through a trash can plan. There are some things I like about this project. I think the architecture of the townhomes will look better just from a professional standpoint. I appreciate all of the comments from the citizens, there was some great feedback. I do feel that all of the standards have been met, so I can't deny this, but there has been a loud voice spoken tonight from the residents, so I hope Daybreak will do their due diligence and address some of the concerns here tonight.

A.2 Potential Action Item – (See VI.A.1)

Commissioner Quinn motioned to approve File No.SUB-2016.86 with the (1) recommendation by staff. Commissioner Jolley seconded the motion. Roll Call Vote was 3-2 in favor; Commissioner Ellis, and Commissioner Morrissey voted no. Commissioner Holbrook was absent from the vote.

B.1 Issue: DALTON COVE SUBDIVISION PRELIMINARY PLAT

Address: 11173 South Dalton Farm Cove
File No: SUB-2016.67

Applicant: Douglas C. Dalton

City Planner Greg Schindler reviewed background information on this item.

Douglas Dalton, 11173 S Dalton Farm Cove South Jordan, Utah 84095 – said originally this was going to be part of the Aspen Crest phase 4, but the developer got in a hurry and told me it was going to be really easy and a couple of hundred dollars, which turned out to not be true. We have gone through the process to get the application approved which is going forward. It will be nice to have family close, and it will be nice for my son and his family too. The issue that has been mentioned is the masonry fence. I have a vinyl fence all the way around me, but what is interesting to me is that when this subdivision was approved it wasn't required then, so why is it required now? When the sewer was put in I was told that I could put in whatever kind of fence I preferred, so I chose a vinyl fence. I spoke with someone at the City and told them it had been a couple of decades since we have had large animals, but my wife reminded me today that it has been 10 years. I do understand the ruling, and it is probably a good ruling because they will need something that won't break down, but in this case it is not practical. The property to the north of us is pie shaped and it is not conducive to large animals. We have decided that we want to raise grandkids instead of cows now. We aren't ever going to have large animals, and we are not allowed to. If you have gone a year with the new statutes you can't have them anyway, so it doesn't seem practical to tear down a \$10,000-dollar fence to match the other ones. We are asking the Planning Commission to recommend to the City Council that this not be part of the requirement.

Chairman Woolley opened the Public Hearing to comments.

Jason Webster, 682 W. Rachele Park Cove South Jordan, Utah 84095 – said we are one of the lots that shares that pie shaped lot that Mr. Dalton referred to earlier. I have no issues at all, but I do want to request that the Edge put in an easement between the 2 homes. I believe that the sewer line has a crack in it or something, it is causing a sink hole on my property. They have come out to fix it one time, but every time it rains it is back. I am just hoping we can get this sewage issue fixed before construction would happen.

Chairman Woolley said if you would give your contact information to our Assistant City Engineer Shane Greenwood he would be able to work with you on the sewer issue.

Aleta Taylor, 11131 S. Anna Circle South Jordan, Utah 84095 – said I would like to speak in behalf of the Dalton family. I would like to see them have the ability to use their property in this way. I don't think this will interfere with any of the other properties. The Daltons have taken excellent care of the property that is there, it is meticulously finished and well done. I think they will put something there that is appropriate and nice for the neighborhood. The fact they were the very original owners of this property from the beginning, and they have watched all of the changes with the open space, play space, and running space, just disappear through the years, so I think it is a thoughtful thing as well. Regarding the fence, it is a really steep drop off to the north side of this fence, so I would think that a masonry wall would almost be more of a liability, I think it would be something to look into.

Chairman Woolley closed the Public Hearing.

Chairman Woolley said Mr. Dalton your intent is not to have large animals on the property, correct?

Mr. Dalton said we do not have any plans to have large animals.

Chairman Woolley said I am familiar with the area and it is unfortunate that it wasn't included in the original project.

Chairman Woolley said we would like the City Council to favorably consider the application that the applicant will submit to remove the restriction so they will not have to put a masonry fence on the property.

B.2 Potential Action Item – (See VI.B.1)

Commissioner Jolley motioned to approve a preliminary subdivision plat, File No.SUB-2016.67, allowing for subdivision of approximately 1.17 acres of land into two (2) single-family residential lots. Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Holbrook was absent from vote.

**C.1 Issue: ELISON MEDICAL OFFICE BUILDING
SITE PLAN**

Address: 3583 West 9800 South
File No: SP-2013.27
Applicant: NH Rather, Rather Architecture

City Planner Greg Schindler reviewed background information on this item.

Nathaniel Rather, 9698 S Villa Springs Cove South Jordan, Utah 84095 – said I am the architect and I am representing the owner tonight. We started this project sometime in 2013 and we started out thinking there was an easement, but found out there was not, so we had to accommodate the building for that, and right before the owner went to sign the agreement at the Jordan Valley water district they said it did not exist. He is currently in a building across the street to the north, but in the meantime, Dr. Ellison had planned on building this building for his use and 3 other tenants, but his window lapsed on the current building he is in, so he had to stay, but he still wants to build this building. We are further than we have ever been before and we are happy to be here.

Chairman Woolley opened the Public Hearing.

Tamara Zander – said I would like to know if the pass way that goes over to the school will be affected, and also if there is a Bangerter change at that intersection, and how will that affect things.

Chairman Woolley closed the Public Hearing.

City Planner Schindler said if you look at the redlines on the map where it sits, you can see that the bridge is not affected on that property, it will stay there it will not be affected. On Bangerter Highway at some time in the future I think the state intends to turn that into a freeway, but we do not know how that will change down the road.

Commissioner Jolley said we seen this come through the Architectural Review Committee a couple of months ago and we thought it was a very impressive building. We were concerned that they didn't have a shared parking agreement with the Credit Union at the time, but it looks like that has been taken care of so I think this would be a great asset in that area.

C.2 Potential Action Item – (See VI.C.1)

Commissioner Quinn motioned to approve a site plan, File No. S2013.27, allowing for construction of a medical office building to be located at 3583 W. 9800 S. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Holbrook was absent from vote.

D.1 Issue: TARGET AT THE DISTRICT SUBDIVISION / JC PENNEY AT THE DISTRICT SUBDIVISION / THE DISTRICT SUBDIVISION AMENDMENT

Address: Approximately 11500 South Bangerter Hwy
File No: SUB-2016.77, SUB-2016.78, & SUB-AMEND-2016.76
Applicant: David Anderson

Planner David Mann reviewed background information on this item.

Wade Williams, 1015 200 East Suite 200 Salt Lake City, Utah 84111 – said this is a project that has been in works for a long time and we have finally got approval from the City to add these additional parcels. We have been working with Target and JC Penney's for the last couple of years, but now we have all of the documents signed and are ready to move forward. I am here to answer any question that you may have for me.

Chairman Woolley opened the Public Hearing for comments. There were none. He closed the Public Hearing.

Commissioner Quinn said is the intent to add 6 additional structures, is that why we are subdividing the lots?

Mr. Williams said the intent of this is to build out additional buildings, but we still need approval from some of the other tenants, it won't happen immediately, but we are starting with Target and JC Penny's.

Commission Quinn said are there any concerns about parking?

Mr. Williams said we believe that right now we have 1,000 extra car parks, and even with these additional buildings we will have 600 extra car parks. We don't anticipate any problems with parking.

Commissioner Jolley said parking is not the problem there, it is traffic, do they have any plans for the traffic?

Mr. Williams said UDOT is part of the intersection reconfiguration. It was originally designed for about 24,000 cars per day and it is exceeding that now, so we are really anxious for UDOT to start that work.

D.2 Potential Action Item – (See VI.D.1)

Commissioner Ellis File No. SUB-2016.77, a 2-lot preliminary subdivision of real property located at 11552 S. District Drive. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Holbrook was absent from vote.

D.3. Potential Action Item – (See VI.D.1)

Commissioner Ellis motioned to approve File No. SUB-2016.78, a 2-lot preliminary subdivision of real property located at 11525 S. District Drive. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Holbrook was absent from the vote.

D.4. Potential Action Item – (See VI.D.1)

Commissioner Ellis motioned to approve File No. SUB-AMEND-2016.76, amending The District subdivision generally located at 11500 South Bangerter Hwy. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Holbrook was absent from vote.

**E.1 Issue: SANTORINI VILLAGE TOWNHOMES PHASE 1-E
SUBDIVISION AMENDMENT**

Address: 9710 South Redwood Road

File No: SUB-AMEND-2016.80

Applicant: Mindy Dansie, DAI

Planner David Mann reviewed background information on this item.

Chairman Woolley opened the Public Hearing to comments. There were none. He closed the Public Hearing,

Commissioner Quinn said I think it is great. I am glad that they are putting in residential and not commercial.

Commissioner Jolley said I like this, it looks good to me.

E.2 Potential Action Item – (See VI.E.1)

Commissioner Quinn motioned to approve File No. SUB-AMEND-2016.80 for the Santorini Village (Townhomes Phase 1-E) Subdivision Amendment. Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Holbrook was absent from the vote.

G.1 Issue: LA QUINTA HOTEL SITE PLAN

Address: 511 W. South Jordan Parkway

File No: SP-2016.32

Applicant: Nimesh Chaudhari

Planner Brad Sanderson reviewed background information on this item.

Ben Smith, 1045 S 1700 W Payson, Utah – said I would like to thank staff for their time and help to get us here. Hopefully we have a plan that will work for you and our clients. We have submitted a color board with the actual color samples, but the orange is not an accurate color, it will be dark bronze. I am here to answer any questions you may have for me.

Chairman Woolley opened the Public Hearing to comments. There were none. He closed the Public Hearing.

G.2 Potential Action Item – (See VI.G.1)

Commissioner Ellis motioned to approve FileNo.SP-2016.32 for a La Quinta site plan application as proposed. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Holbrook was absent from the vote.

**H.1 Issue: THE FLATS AT THE DISTRICT
SITE PLAN, CONDITIONAL USE PERMIT, & DESIGN
GUIDELINE BOOK**

Address: 11743 South 3648 West
File No: SP-2015.42
Applicant: David George

Planner Brad Sanderson reviewed background information on this item.

David George, 11693 S Rose Meadow Circle South Jordan, Utah 84095 – said as Planner Sanderson said we have been working on this for quite some time. I have actually been working with the Boyer Company for the last year and half before we submitted this application. We have spent a lot of time planning on what we thought would be a good fit for the City. It is surprising to me that this is such a good piece of property that has not been developed yet. We have a lot of different amenities in this building, and we also have elevators to each floor. I think staff did a great job of covering everything, we are looking forward to this project.

Commissioner Ellis said is the elevator large enough to move furniture in and out?

Mr. George said yes it is, and the stairwells are larger as well.

Commissioner Quinn said do you have the price points on these units.

Mr. George said we do not have the purchase price on these units yet, but the rental cost will be \$1,100 to \$1,200 on the (1) bedrooms, and \$1,200 to \$1,400 on the (2) bedrooms. They are fairly high priced, but they have a lot of amenities that go with them.

Commissioner Jolley said which building will be the condos, and which will be the apartment building?

Mr. George said the apartment building will be on the north, and the condo building will be on to the south.

Commissioner Jolley said what size are the 2 bedroom units?

Mr. George said most of them are 1,200 to 1,300 square feet.

Chairman Woolley opened the Public Hearing to comments.

Chris Dugan, 11817 S 3700 W South Jordan, Utah 84095 - said I am the closest house to this property, which is way too close. I already know that my opinion doesn't mean anything to South Jordan City because you have said that in other meeting before., but you are going to hear it. There is not anywhere I can go in my backyard and not be seen by the third floor in the San Tropez apartments. You are going to build this building across the street from it, so now with my skylights on they should be able to see what is going on in my kitchen. I really am disgusted with how close this is to my property. The road that is going in there is not going to be wide enough. You have made 11800 S. a 5 lane road for 400

yards and it has become a race track. This is some of my concerns, but the biggest one is privacy. This is going to be a very big impact on us. We had an incident a few years ago where a man shot his dog right in front of San Tropez. I really don't think these buildings even match the aesthetics of San Tropez, or anything else in this area. I would appreciate if you would take these things into consideration.

Kenneth Olsen – said on the south end we are not really part of San Tropez development, and our windows face to the east so we haven't had some of the issues spoke about earlier. I think Planner Mann did a great job reviewing the project. I think this is a type of complex that we could live in ourselves with all of the amenities that they offer. I think it is a great project and it is a place I would consider living myself.

Blake Barlocker, 11756 History Drive South Jordan, Utah – said I live about 3 blocks away from this project, and my concern is that I have never heard of this, so I would like to know what the law is about notifying surrounding neighborhoods.

Chairman Wooley closed the Public Hearing.

Commissioner Quinn said I would first like to acknowledge that if I were in a home close to this, I wouldn't want to be, however, it does fit the demographics of the neighborhood. The architecture is a little different, but it is more upscale, which I like. I think it will add to the area and not take away from it so I am in favor of it in general.

City Planner Schindler said the noticing requirements are 300 ft., so if you are within that you would have been notified.

Chairman Woolley said I like the high end nature of it, but I remember when the District was first proposed and the chaos that was going on, so I do sympathize with Mr. Dugan. I think the developers have done a great job with this project, it is very interesting, and it is a project that no one has taken on. It's a great piece of property with a great use, I really do like it and I think they have done a really good job.

Commissioner Morrissey said I was smiling because I finally see an applicant using the conditional use, where we need it, and when we need it, as well as mitigating the issues. The design is a little different, but was very well thought out. I think this will be a nice addition to the District area.

H.2 Potential Action Item – (See VI.H.1)

Commissioner Morrissey motioned to approve File No. SP-2015.42 The Flats at the District site plan, conditional use permit and design guideline book subject to the following site plan requirements and conditions of approval as listed below:

Site Plan requirements:

- 1. Applicant shall record all subdivision and condo plats prior to building construction so as to not have lot lines bisecting buildings.**
- 2. All site plan improvements shall be per the approved plans.**
- 3. Private CC&R's shall be submitted to the City for legal review.**

Conditions of Approval:

- 1. The site plan is subject to a condominium plat approval.**

**Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 unanimous in favor;
Commissioner Holbrook was absent from the vote.**

**I.1 Issue: THE FLATS AT THE DISTRICT
PRELIMINARY SUBDIVISION AND CONDITIONAL USE PERMIT**

Address: 11743 South 3648 West
File No: PLDP201600802
Applicant: David George

Planner Brad Sanderson reviewed background information on this item.

Chairman Woolley opened the Public Hearing to comments.

Chris Dugan, 11817 S 3200 West South Jordan, Utah 84095 – said I wonder if we are doing the same bait and switch as they did with the San Tropez development. These were condos, and with the economy they had to make them apartments. I am wondering if it is the same case, but we are him hawing around to make it fit in some other plan. Obviously, I live within the 300 feet so I still think people will be able to see into my backyard whether their window face east, west, north, or south. I would like some suggestions on trees, I have already started to plant evergreens on the north side of my property, and now I am going to have to plant them on the east side and take away my view of the Wasatch front that I have paid money for, so I would appreciate it if we could get some pines or something on their property.

Chairman Woolley closed the Public Hearing.

Commission Quinn said could you tell me how the HOA is going to work?

Mr. George said it will be run by a management company. We are large enough that we will have (2) full time employees.

I.2 Potential Action Item – (See VII.1)

Commissioner Quinn motioned to approve Project No. PLDP201600802 The Flats at the District preliminary subdivision and condominium plat, subject to the following requirements listed below:

- 1. There shall be a recorded agreement specifying shared access, parking, management and maintenance of all facilities between the condominiums and apartment uses within the development.**
- 2. All subdivision and condominium plats shall record prior to vertical building construction.**
- 3. Private CC&R's shall be submitted to the City for legal review.**

**Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 unanimous in favor;
Commissioner Holbrook was absent from the vote.**

**F.1 Issue: HUNTER PARK ESTATES
PRELIMINARY SUBDIVISION PLAT**

Address: 9545 South 2200 West
File No: PLPP201600816
Applicant: Mark Woolley

Chairman Woolley said I recused himself for this item because I am the applicant, and I will invite Co-Chairman Jolley to conduct the Public Hearing.

Planner David Mann reviewed background information on this item.

Mark Woolley, 2244 West Jordan Hidden Court South Jordan, Utah 84095- said when we look at the triangle piece on the north side the property line it jogs across the canal at that point, and once the street dedication for the further widening of 2200 West takes place with the recordation of the plat, a portion of that becomes a dedicated right-of-way to the City for a future widening of 2200 W. The residual is just a little two thirds small pie shape of what you are seeing on the highlighted area. In talking with staff and the canal company, at this point the canal company wants it to be dedicated to them. We have talked to the senior staff at the City about that and they are ok with that, but we will make that final decision after they work through some of these easement issues. Once the plat take place you will see the swell line on the east property line, so rather than having lots that go across the canal it will stop at the property lines, and then we will dedicate that residual property to the canal, right now they have an easement on it so nothing can be built there anyway. The bottom left hand corner of the easement has a current across both properties and there is a 50ft right of way easement for access. When you first come off of 2200 on to the private driveway that is 50ft wide, it can access both of these properties, you will see a sign that says: "this is a private roadway and you cannot access it," that sign will be moved from where it is, not to out on 2200 to the property line so it will still remain an access for Healey Dr.

Commissioner Ellis said will the hammer head have to be widened on the adjacent property?

Mr. Woolley said the right of way now is 50ft wide so it is more than adequate.

Co-Chairman Jolley said is there pavement already there?

Mr. Woolley said it is hard-pack gravel.

Co-Chairman Jolley said is there a home on the property?

Mr. Woolley said there is a home and a garage on the property, and they will both be removed.

Co-Chairman Jolley opened the Public Hearing.

Dave Dewey, 9541 S. 2200 W. South Jordan, Utah 84095 – said my wife and I are concerned about the orange box that comes on to our property, and are we opening ourselves up to anything by having it there?

Ron Thomson, 9479 S. 2200 W. South Jordan, Utah 84095 – said I have questions about the areas highlighted in orange to the northeast on the map, not so much the one on the south west. I did research on the City website and I got to looking at the overall plan for South Jordan City and the development of properties. When I got reading through the booklet that I printed off, there was a lot of information in it about population growth and what South Jordan has projected for population growth through the year 2030. The main concern I have is that 2200 W is the majority of the property that runs down that street past 9800 S, and it has been zoned agricultural for quite some time, and with the community growing and residential housing going in past 9800 S, and Redwood Rd. there has been a huge population growth, and there has been a huge traffic impact on 2200 W. I heard a brief comment that they are going to be expanding 2200 W, but what I have been told from the officials at South Jordan is that they have no plans to do anything in front of homes on 2200 W that are zoned agricultural, until they are no longer zoned agricultural. That is a concern for me because at this time it is a one-way road. I would like to know how we are going to handle all of the traffic flow. On the way over here I took a video of the traffic in front of my house, and I wanted to bring it here and show it to you and ask you what you think of all this traffic. South Jordan talks about sense of space, and keeping the space accommodating for everybody, and then it

goes on and talks about landscape and streetscape, so when we look at the orange space on the map and turning it over to the canal, wouldn't it make more sense to put in some landscape, streetscape, curbs, and some streetlights? I have talked to my neighbors and they have the same concerns, they could not be here tonight, but they are concerned.

Carl Malone, 9435 S Tawny Ave South Jordan, Utah 84095 – said I want to say initially I hate this. I have been really spoiled to have a nice piece of horse property behind me, and I still have my nice neighbors to the south of me. I know they have a right to develop this and I respect that, so I would like some clarity on what I expect to see when I look out my back window.

Chris Dewey, 9541 S 2200 W South Jordan, Utah 84095 – said I live just west to the property that is being developed. I am also unclear on what you are doing with the orange space on the map that sits on my property. I know the only easement that was on our property was something related to Mountain Fuel. We have already had problems with the City, they came out and tried to run a line through our property, we told the City that it was not legal for them to do that, but we still had City workers all over our property. I just want you to know that before you come on to our property, I am not aware that you have an easement to do that, so if it is not legal we intend to seek legal advice to try and stop that. I feel that people from the City have been on our property and have tried to run over us. It is really dis-concerning to see one that one of the Commissioners is going to be doing the development.

Co-Chairman Jolley closed the Public Hearing.

Mr. Woolley said Mr. Thompson talked about the triangle piece of property, and although I like his thought about piping the canal, I have worked on several projects that have wanted to do that, but very few times is it successful. The triangle piece will be dedicated to the City for a future right of way. We are not prepared at this time to continue the sidewalk, it does stop just short of the canal right now, and we will fund the sidewalk, curb and gutter, and the road expansion. The residual piece that is there now we are ok with either the City or the canal company taking it. The problem that the City has with that is that it would become an orphan park-strip that they would have to take care of and maintenance. If the canal company takes it there would be a resolution in place that they would be responsible to maintain it with the County. Regarding the orange block, I think we need to clarify that there will be no pavement, and no improvements on the Dewey property. It is just recorded now because there is a 50ft right of way and this time nothing is going to change. One of the things we will need to do prior to final approval is do a vacating of the easement on the Hunter property, it will simultaneously become a public right of way for the Dewey's to get to their property like they do now, but there will not be any improvements to their property it will remain as is. It is zoned R 2.5 meaning that it is not animal property. There will be fencing along the northern boundary on lot 5 at the end on the west side and along the entire canal with a vinyl fence on the south side.

Commissioner Ellis said what are the lot sizes?

Mr. Woolley said in the R2.5 the minimum lot size is 12,000 square feet, there are some that are very close to that, and then there are some that are in the 14,000 to 17,000 range, but there will be no horse property due to the City ordinance.

Commissioner Quinn said do you have an idea of the house sizes and the architectural look?

Mr. Woolley said these are custom lots so there will be a mix of homes like we are seeing in a lot of the new subdivisions, and we will have CC &R's, but we don't have them at this point.

Assistant City Engineer Shane Greenwood said the City has applied for Federal Funding to do the improvements to 2200 West, and we will receive the money in about 2 or 3 years, and the plan is to finish 2200 West from our north boundary to 10400 S.

F.2 Potential Action Item – (See VI.F.1)

Commissioner Quinn motioned to approve File No. PLPP201600816 for the subdivision of real property located at 9545 South 2200 West as presented to the Planning Commission, provided that:

- **The proposed street is dedicated to the City and lots are addressed according to county specifications.**
- **All easements shown where the future public street will be located must be removed or otherwise addressed before final subdivision approval.**

Commissioner Ellis seconded the motion. Roll Call Vote was 4-0 unanimous in favor, Chairman Woolley recused himself; Commissioner Holbrook was absent from the vote.

VII. PUBLIC HEARINGS AND POTENTIAL *LEGISLATIVE ACTION ITEMS

***Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)**

J.1 Issue: RUGG PROPERTY LAND USE AMENDMENT AND REZONE

Address: 11523 South 3600 West
File No: PLLUA201600757 & PLZBA201600758
Applicant: David Freiss

Chairman Woolley will resume as Chairman.

Planner Sanderson reviewed background information on this item.

Todd Amberry (Century Communities) 2801 Thanksgiving Way Lehi, Utah
Dave Freiss (Dave Freiss Development Group)

Mr. Freiss said the impetus behind this is to expand the Village at High Ridge, but more importantly I have carried the banner on the island that the district left there, and thank goodness this is the last piece of island that will be rectified there. This is a great use and we are excited to do it. We are finally at a place where all of the property owners have come together, and that is a great thing in my book.

Chairman Woolley opened the Public Hearing to comments. There were none. He closed the Public Hearing.

Commissioner Ellis said I think this makes a lot of sense. I think it is the right thing to do, it will finish the entrance to the subdivision and I think it will fit really well.

Commissioner Jolley said I have to agree. I think it has been a long time coming, and I really hoped it would come out this way.

Chairman Woolley said I think this is great addition to that area, I really like it.

J.2 Potential Action Item – (See VII.J.1)

Commissioner Quinn motioned to recommend to the City Council to approve the following for property located at 11523 South 3600 West:

Resolution R2017-01, changing the land use designation on the property from Office to Medium Density Residential: and

Ordinance 2017-01-Z, rezoning the property from the Professional Office (P-O) Zone to the Residential (R-M-6) Zone.

Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Holbrook was absent from the Vote.

VIII. OTHER BUSINESS

Commissioner Quinn said do we have an update on the City Council Vote regarding the farm animals?

City Planner Schindler said City Council approved it with a modification to the Planning Commission recommendation. They actually reduced the size of the area from your recommendation of 3,000 to 2,000.

Commissioner Quinn said do we have an update on the parks, recreation, and trails master plan?

City Planner Schindler said they are waiting for me to get comments from you so they can address your comments.

Commissioner Quinn said Mr. Schindler would you mind sending us an email reminder?

City Planner Schindler said yes I will do that.

Chairman Woolley said we will have them to you by December 30, 2016, but will you please send us a reminder.

City Planner said I will do that.

ADJOURNMENT

Commissioner Quinn motioned to adjourn. Motion was unanimous.

The December 13, 2016 Planning Commission meeting adjourned at 10:15 p.m.

These meeting minutes were prepared by Deputy Recorder Cindy Valdez.

This is a true and correct copy of the November December 13, 2016 Planning Commission minutes, which were approved on January 10, 2016.

Auna M. West

South Jordan City Recorder